

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
LARRY A. HESS, ) CASE NO. 05-68689 JPK  
 ) Chapter 7  
Debtor. )

ORDER FOR HEARING

On October 15, 2005, the debtor filed a petition in which he designated an alternative name as "Central Corp. dba County Line Market". The petition appears to be filed with respect to an individual, and yet the alternative name suggests the involvement of an entity other than an individual. A corporation, partnership, or other business association is a legal entity separate from an individual, even if that individual is the sole shareholder/principal in a corporation, or the general partner in a limited partnership, or the manager of some other form of business association. The designation made in this case creates confusion as to the nature of the property of the estate (is the property comprised solely of that of the individual debtor, or is the property of the designated alternate entity also to be included?); the identity of creditors of the debtor (are creditors solely those of the individual or are creditors of the designated entity also to be included?); and other issues, such as matters relating to the debtor discharge – because a corporation ordinarily does not receive a discharge. In certain business operations, the identity of the individual in control of a solely or closely held corporation and that of the corporate entity itself may become "fuzzy", and for that reason, the individual may deem it appropriate to designate all creditors of the corporate entity and all property of the corporate entity as creditors and property of the individual debtor's bankruptcy case. However, that particular circumstance cannot be derived solely from the designation of an alternate business form in the petition filed in a case.

IT IS ORDERED that a hearing will be held on **November 18, 2005, at 9:00 A.M.** at

which both the debtor and debtor's counsel will appear to advise the Court of the nature of the business entity designated as "Central Corp. dba County Line Market", and the relationship of that entity to Larry A. Hess in relation to property of this bankruptcy estate and creditors of the debtor.

Dated at Hammond, Indiana on October 27, 2005.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee